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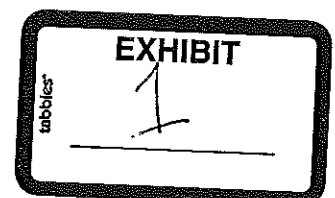
Hon. Denise L. Cote
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 1040
New York, NY 10007

Re: Novoship et al. Wilmer Ruperti et al
07-cv – 9876 (DLC)

Dear Judge Cote,

We represent the Plaintiffs in the captioned action and write further to our by-hand letter today under which we provided the Court with courtesy copies of our opposition papers relating to the Defendants' motion to vacate. More specifically, we write to make the Court aware of the status of a companion action in Florida, but are doing so on an *ex-parte* basis for the reasons set forth below.

In this respect, I note for Your Honor's guidance that there is a similar action pending in Florida wherein the Plaintiffs made an application for a Rule B attachment against two of the three Defendants identified in this case. That application was initially denied by the district judge on the basis that there was no showing of admiralty jurisdiction in the circumstances described in the original complaint filed there. An amended complaint has since been filed and a renewed application is now pending for issuance of an attachment under Rule B on the basis that the amended complaint more adequately describes the nature and circumstances of the events giving rise to the claim and the concomitant grounds for admiralty tort and contract jurisdiction.



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We are uncertain whether the defendants are aware of the filings in Florida and were concerned that if our bringing this case to the attention of Your Honor was copied to Defendants' counsel in New York, the Defendants would then become aware and could potentially take steps to circumvent or avoid the Florida attachment if it was issued. It was upon this basis that we felt it appropriate not to provide counsel with a copy of this letter but nevertheless felt that Your Honor should be aware of the situation.

Respectfully submitted,
FREEHILL HOGAN & MAHAR LLP

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Peter J. Gutowski

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